

Arlington Town Meeting — Motion to Amend

ARTICLE NO. 37

Dated: May 27, 2022

I, Engjellushe (Angel) K. Mozina, do hereby submit the following Motion to Amend Article 37:

To amend the recommended vote of the Arlington Redevelopment Board by making the following changes:

Adding “as authorized under the provisions of G.L. c. 143” immediately after the proposed text “by the Director of Inspectional Services or their designee”

So that the amended Section 8.1.5 of the Zoning Bylaw would read as follows:

Except as covered under Section 8.1.7, any structure determined to be unsafe by the Director of Inspectional Services or their designee, as authorized under the provisions of G.L. c. 143, may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe, and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals or, in cases subject to Environmental Design Review, Section 3.4., the Arlington Redevelopment Board.

Comment:

The building inspector is already empowered to determine unsafe structures under [Mass. General Laws Chapter 143, Section 6](#) and Section 3 of the Zoning ByLaw. The definitions of inspector, building and structure are also clearly delineated in [Mass. General Laws Chapter 143, Section 1](#).

I agree with ZBA's position that it needs to restate such authority by the building inspector with respect to unsafe structures in 8.1.5. However, the proposed amended language removes questions as to the source of such authority and avoids the unintended assumption such authority is a carve-out or exception to the broader authority prescribed under Section 3.1 A of the Zoning ByLaw.

Respectfully submitted,

Angel K. Mozina
Precinct 15